

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERALD DULL,

Plaintiff,

v.

RACKABLE SYSTEMS INC,

Defendant.

NO. C 09-00222 CW

**MINUTE ORDER**

Date: 11/19/09

**The Honorable Claudia Wilken, Presiding**

**Clerk: Sheilah Cahill      Court Reporter: Kelly Bryce, pro tem**

**Appearances for Plaintiff:**

Lionel Glancy; Frederick Gerkins

**Appearances for Defendant:**

Meredith Landy; Peter Snow

**Motions:**

Dfts. Rackable	Mo. to dismiss	Under Submission
Systems, Inc, Thomas	amended complaint	
Barton, Madhu	for violations of	
Ranganathan and Todd	the Federal	
Ford	Securities Laws	

Further briefing due:

Order to be prepared by: Court

Notes: Court inclined to dismiss with leave to amend. Plaintiff to file amended complaint by the 2nd week of January 2010; Defendant to answer or file motion to dismiss amended complaint within three weeks thereafter. If motion to dismiss filed, opposition due two weeks later and reply due one week thereafter. Motion to dismiss amended complaint will be decided on the papers. **CMC continued to 5/11/10 at 2:00 p.m.**

Copies to: Chambers